

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN (GRAND RAPIDS)**

IN THE MATTER OF:

Wesley Howard Magnan,
Sandra Christine Magnan,

Debtors.

Bankruptcy Case No. 15-03757-jwb
Honorable James W. Boyd
Chapter 7

**MOTION FOR DETERMINATION OF CONSEQUENTIAL VALUE
PURSUANT TO 11 U.S.C. § 521(a)**

Kelly M. Hagan, the duly-appointed chapter 7 trustee in this case ("Trustee"), by and through her attorneys, Beadle Smith, PLC, for her Motion for Determination of Consequential Value Pursuant to 11 U.S.C. § 521(a), states as follows:

1. Debtors filed this case under Chapter 7 of the Bankruptcy Code, 11 U.S.C. §§ 101 et seq. on June 30, 2015.
2. The first date set for the § 341 meeting of creditors was August 4, 2015 which was concluded on that date.
3. Property of the estate includes the Debtor's interest in a 1986 Zetor Tractor with Allied Loader and a Farm King 72" Rototiller ("the property").
4. The schedules filed in this case indicate that Honor Bank claims a security interest in the property. The security interest may be avoidable by Trustee pursuant to 11 U.S.C. §547 and §544

Trustee respectfully requests this Court:

- a. Determine that the property is of consequential value or benefit to the estate, pursuant to 11 U.S.C. § 521(a)(6), and shall remain property of the bankruptcy estate;
- b. Order Debtor to deliver the property to Trustee, pursuant to 11 U.S.C. § 521(a)(6), if so directed by Trustee;
- c. Order that no adequate protection is required to be paid to Honor Bank because it has an avoidable interest in the property other than a potential unsecured claim;
- d. Order that the automatic stay pursuant to 11 U.S.C. § 362(h)(2) shall remain in place as to the property; and,
- e. Provide such other relief as is just and equitable.

Dated: September 17, 2015

/s/ Kevin M. Smith
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